

Kevin F Kinghorn (SBN 015138)
KINGHORN HERITAGE LAW GROUP, PLC
3573 E Sunrise Dr., Ste 209
Tucson, AZ 85718
Phone: (520) 529-4000
Email: kevin@heritagelawaz.com

Counsel for ExecutEE/Garnishee

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

KOLEEN GALLAGHER,

Plaintiff/Judgment Creditor,

vs.

RICHARD JAMES GALLAGHER

Defendant/Judgment Debtor

and

Beverly Gallagher, Personal Representative
The Estate of Josephine Marie Gallagher
c/o Kevin Kinghorn
Kinghorn Heritage Law Group, PLC
3573 E Sunrise Drive, Suite 209
Tucson, AZ 85718

ExecutEE/Garnishee.

No. 4:17-MC-00005

EXECUTEE/GARNISHEE ANSWER
AND AFFIDAVIT

(Rule 69, Fed. R. Civ. Pro; A.R.S. §§12-1572
– 1597)

State of Arizona)
) ss.
County of Pima)

1. I am the above-named ExecutEE/Garnishee and am making this affidavit regarding the Writ of Execution served on ExecutEE/Garnishee on December 15, 2017.

2. The ExecutEE/Garnishee was indebted to or otherwise in possession of monies of the Judgment Debtor at the time the Writ was served. ExecutEE/Garnishee is the personal representative of the Estate of Josephine Marie Gallagher, of which the Richard Gallagher Trust

1 dated September 15, 2009, is a beneficiary. For purposes of this Answer, and upon information
2 and belief, it is presumed the Richard Gallagher Trust dated September 15, 2009, is the alter ego of
the Judgment Debtor.

3 3. The total amount of indebtedness or monies of the Judgement Debtor's in the
4 possession of the Executtee/Garnishee at the time the Writ was served is unknown at this time. Until
5 the administration of the Estate of Josephine Marie Gallagher is completed and final distributions
are made, it is impossible to ascertain the share amount belonging to the Judgment Debtor.

6 4. The total amount of indebtedness or monies of the Judgment Debtor withheld by the
7 Executtee/Garnishee pursuant to the Writ is the entire share of the Estate of Josephine Marie
8 Gallagher payable to the Richard Gallagher Trust dated September 15, 2009, as a devisee of the
Estate, not to exceed the amount of the Judgment.

9 5. The amount of indebtedness or monies of the Judgment Debtor not withheld by the
10 Executtee/Garnishee will be such amount of the share of the Estate of Josephine Marie Gallagher
11 payable to the Richard Gallagher Trust dated September 15, 2009, in excess of the Judgement.

12 6. At the time the Writ of Garnishment was served upon Executtee/Garnishee,
Executtee/Garnishee did not have possession of personal property of the Judgment Debtor.

13 7. Please list all items of personal property withheld by the Executtee/Garnissh pursuant
14 to the Writ: None.

15 8. Based upon the Executtee/Garnishee's knowledge, another personal or entity is
16 indebted to the Judgment Debtor or in possession of personal property of the Judgment Debtor,
including the following:

17 a. JPMorgan Chase Bank, N.A

Mail Code TX3-7861

18 PO Box 659516

19 San Antonio, TX 78265

20 b. BMO Harris Bank, N.A.

PO Box 94033

21 Palatine, IL 60094-4033

22 c. Regions Bank

23 1377 Madison Ave

Indianapolis, IN 46225

10. Copies of this Answer were delivered on 1/3/18 to the Judgment Debtor, the Judgment Creditor, or the Judgment Creditor's attorney by regular first class mail to the address determined to be the best calculated to reach the Judgment Debtor in a timely manner.

Tucson, AZ 85718

WHEREFORE, Executree/Garnishee asks that Executree/Garnishee be discharged on this Answer and that the Court award Executree/Garnishee reasonable compensation in the amount of \$1,250.00.

Beverly Marie Gallagher, Personal Representative
The Estate of Josephine Marie Gallagher
Executree/Garnishee

SUBSCRIBED AND SWORN on December 30, 2017

